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Assignee: Oneida Indian Nation

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on April 6, 2007, and the reference(s) cited therewith. Claims 1, 5, 30, 36 - 45, 54 -57, and 72 are amended, claims 17-29, 46-53, and 58-70 are canceled, and no claims are added; as a result, claims 1-16, 30-45, 54-57, and 71-78 are now pending in this application.

Interview Summary

Applicants' representative, Andrew DeLizio, conducted a telephone interview with Examiners Le and Gilligan on July 24, 2007. During the interview, Applicants' representative and the Examiners discussed claim 1 vis-à-vis Chaung (US 5,987,41). No exhibits were shown.

Applicant noted that following. Chuang's system includes guest identification devices (GIDs) and identification signal searching units (ISSUs). The ISSUs reside at various locations in an amusement park.[1] As a GID moves about the amusement park, Chaung's system determines the GID's location based on which ISSUs are receiving the GID's signal.[2] In contrast to Chaung's system, the Instant Application describes embodiments in which a location identifier is stored in a patron's account, where the location identifier indicates a location of a patron. Thus, in order to locate patrons, to send messages, etc., some embodiments retrieve and use the location identifiers stored in the patron accounts.

In discussing claim 1, Examiners indicated that the following amendments to claim 1 would overcome the rejection under 35 USC 103 over Chaung:

- storing, by the server, the location identifier in an account corresponding to the patron identified by the patron identifier;[3]

- retrieving, by the server, from an account corresponding to the particular patron, location identifier for the particular patron;[4]

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[1] See Chaung at col. 11, lines 33-36.
[2] See Chaung at col. 11, lines 47-65.
[3] Although not shown here, Applicant has included addition amendments to this clause of claim 1. The additional amendments appear in the "IN THE CLAIMS" section, *supra*.
[4] Although not shown here, Applicant has included addition amendments to this clause of claim 1. The additional amendments appear in the "IN THE CLAIMS" section, *supra*.

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Because the amendments overcome the rejection, the Examiners indicated that they would need
to perform a new search.

§103 Rejection of the Claims

Claims 1-78 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chuang
(U.S. 5,987,421; hereinafter referred to as Chuang).

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of
obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). To do
that the Examiner must show that some objective teaching in the prior art or some knowledge
generally available to one of ordinary skill in the art would lead an individual to combine the
relevant teaching of the references. *Id.* In order for the Examiner to establish a *prima facie* case
of obviousness, three base criteria must be met. First, there must be some suggestion or
motivation, either in the references themselves or in the knowledge generally available to one of
ordinary skill in the art, to modify the reference or to combine reference teachings. Second,
there must be a reasonable expectation of success. Finally, the prior art reference (or references
when combined) must teach or suggest all the claim limitations. The teaching or suggestion to
make the claimed combination and the reasonable expectation of success must both be found in
the prior art, and not based on applicant's disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947
F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

CHAUNG DOES NOT TEACH OR SUGGEST ALL THE ELEMENTS OF CLAIMS 1-16

Applicant submits that Chaung does not teach or suggest each and every element of claim
1. In rejecting claim 1, the Office Action admitted that Chaung does not teach an account
corresponding to a particular patron.[5] Additionally, the office action states:

> However this is an obvious variation of the Chaung teachings. Chaung does teach
> relating a specific GID device with a credit card account of the patron (Chaung; Col. 10,
> lines 6-17) Examiner respectfully submits that one of ordinary skill in the art would find
> this feature to be an obvious variation of the Chaung teachings with the motivation of
> providing a means for distributing and assigning devices to guests (Chaung; Col. 9, lines
> 55-60).

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[5] See Office Action at page 3.

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Applicant submits that Chuang's system works in a fundamentally different way than the method of claim 1. Chuang teaches a system including guest identification devices (GIDs) that emit signals as they move about an amusement park. The system also includes identification signal searching units (ISSUs) located at different locations in an amusement park.[6] As a GID moves about the amusement park, Chuang's system determines the GID's location based on which ISSUs are receiving the GID's signal.[7] In contrast to Chuang's system, claim 1 recites a method for locating a patron, where the method retrieves a location identifier from a patron account.

As noted, the Office Action admits Chuang does not teach patron accounts. However, even if Chuang did, Chuang's discussion of credit card accounts would not motivate one of ordinary skill in the art to modify Chuang to include all the elements of claim 1. Chuang mentions credit cards merely as means for making payment for using the GIDs. Because Chuang's system locates GIDs based on what ISSUs are currently detecting GID signals, it is unclear how Chuang's system would work with patron accounts. As a result, Applicant submits that the Office Action is impermissibly using hindsight and the Applicant's own disclosure. Therefore, Applicant submits that claim 1 is allowable over Chuang.

Claims 2-16 depend, directly or indirectly, on claim 1. For at least the reasons noted above, Applicant submits that claims 2-16 are also allowable over the Office Action's rejection.

CHAUNG DOES NOT TEACH OR SUGGEST ALL THE ELEMENTS OF CLAIMS 30-35.

Claim 30 recites, "requesting, from the server, location information for the at least one patron, wherein the location information is stored, by the server, in an account associated with the at least one patron." As discussed above, Chuang does not teach or suggest use of patron accounts to store location information associated with patrons. As such, Applicant submits that Chuang does not teach or suggest all the elements of claim 30.

Claims 31-35 depend, directly or indirectly, on claim 30. For at least the reasons noted above, Applicant submits that claims 31-35 are also allowable over the Office Action's rejection.

CHAUNG DOES NOT TEACH OR SUGGEST ALL THE ELEMENTS OF CLAIMS 36-45.

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[6] See Chuang at col. 11, lines 33-36.
[7] See Chuang at col. 11, lines 47-65.

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Claim 36 recites, "instructions for retrieving, by the server, from an account corresponding to the particular patron, the location identifier for the particular patron." As discussed above, Chaung does not teach or suggest use of patron accounts to store location information associated with patrons. As such, Applicant submits that Chaung does not teach or suggest all the elements of claim 36.

Claims 37-45, depend directly or indirectly, on claim 36. For at least the reasons noted above, Applicant submits that claims 37-45 are also allowable over the Office Action's rejection.

CHAUNG DOES NOT TEACH OR SUGGEST ALL THE ELEMENTS OF CLAIMS 54-57.

Claim 54 recites, "instructions for requesting, from the server, location information for the at least one patron, wherein the location information is stored, by the server, in an account associated with the at least one patron." As discussed above, Chaung does not teach or suggest use of patron accounts to store location information associated with patrons. As such, Applicant submits that Chaung does not teach or suggest all the elements of claim 54.

Claims 55-57 depend, directly or indirectly, on claim 54. For at least the reasons noted above, Applicant submits that claims 55-57 are also allowable over the Office Action's rejection.

CHAUNG DOES NOT TEACH OR SUGGEST ALL THE ELEMENTS OF CLAIMS 71-78.

Claim 71 recites, a server including "a database server for retrieving, from an account corresponding to the particular patron, a location identifier for the particular patron;" As discussed above, Chaung does not teach or suggest use of patron accounts to store location information associated with patrons. As such, Applicant submits that Chaung does not teach or suggest all the elements of claim 71.

Claims 72-78 depend, directly or indirectly, on claim 71. For at least the reasons noted above, Applicant submits that claims 72-78 are also allowable over the Office Action's rejection.

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Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Andrew DeLizio, at 281-758-0025 to facilitate prosecution of this application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3998

Respectfully submitted,

Aurther R. Halbritter, et al.

By their Representatives,

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